REMARKS

Claims 1-29 were originally filed with and are pending in this application. Claim 1 has been amended without prejudice or admission, and new claims 30-36 have been presented. Hence, claims 1-36 will be pending upon entry of this amendment.

Claim 1 has been amended in order to more particularly recite the single, unifying concept of this invention: namely, that the claimed methods involve detecting changes in the expression of one or more "signature genes" that are differentially expressed in response to electroconvulsive seizure (ECS). Support for this amendment can be found in the application as filed, *e.g.*, at page 3, lines 12-16. New dependent claim 30 has been introduced to recite the preferred signature genes that were originally recited in claim 1. New dependent claims 31, 33, and 36; and new independent claim 34 have been introduced to specify particularly preferred ECS gene signatures of the invention. These signatures are described in the application as filed, *e.g.*, at page 49, lines 10-13; and at page 50, lines 9-19. *See also* Table 8.3 at pages 66-70 for the corresponding SEQ ID NOS. of these genes. Finally, new dependent claims 32 and 35 recite a particularly preferred signature gene of the present invention: SEQ ID NO:145. Specific support for methods using this signature gene can be found, *e.g.*, at page 3, lines 15-16; and in Table 8.3 on pages 66-70.

Hence, the above-made amendments do not introduce new matter. It is believed, moreover, that this Preliminary Amendment does not interfere with the preparation of a first Office Action reporting the examination of this application on its merits. Applicants therefore respectfully request the entry and consideration of these amendments before examination of this application.

The Requirement for Restriction

The Examiner has required, in the Official Action, a restriction of the pending claims to one of the following claim groups:

Group I: Claims 1-7, directed to screening methods for identifying compounds to treat a neuropsychiatric disorder;

Group II: Claims 8-15, directed to methods for selecting a "signature gene" that can be used in such screening methods; and

Group III: Claims 16-29, directed to kits for detecting the expression of such signature genes.

In addition, the Examiner requires further restriction, for each of the invention Groups I-III above, the election of a single nucleic acid sequence from SEQ ID NOS:1-154. In order to be fully responsive to the Requirement for Restriction, Applicants hereby elect, with traverse, to prosecute the claims of invention Group I with respect to the nucleotide sequence of SEQ ID NO:145. It is believed that original claims 1-9 and new claims 30-42 all read on the elected invention group.

The foregoing election is made here in order to be fully responsive to the Requirement for Restriction. However, Applicants respectfully traverse the Requirement for Restriction, and request that the Requirement be withdrawn, or at least modified to allow prosecution of claims including more than one nucleotide sequence in this application. Under Patent Office examining procedures, "if the search and examination of an entire application can be made without serious burden, the Examiner *must* examine it on the merits, even though it includes claims directed to distinct or individual inventions." *See*, M.P.E.P. 803 (emphasis added). The nucleotide sequences recited in the pending claims all share a single inventive concept: the discovery that genes associated with electroconvulsive seizure (ECS) can be used in methods of this invention, *e.g.*, to screen for effective compounds to treat neuropsychiatric disorders. Independent claim 1 has been amended, *supra*, to more particularly point out this unifying concept. Claims 30-33, which recite specific nucleotide sequences, all dependent from claim 1. Hence, the examination of these dependent claims does not require separate searches and cannot, therefore, be an undue burden to the Examiner. New claims 31, 33-34 and 36 specify particularly preferred gene signature sets consisting of only 11 genes. The search and examination of these limited gene sets also cannot be an undue burden to the Examiner. Restricting the application to only a single gene would constitute

an undue burden to Applicants, however, since this would require the Applicants to file numerous applications, at considerable time and expense, in order to obtain full coverage for their invention.

Conclusion

For all of the foregoing reasons, Applicants respectfully request the entry and consideration of these amendments, as well as the reconsideration and withdrawal of the Requirement for Restriction. In particular, Applicants respectfully request that the requirement to elect a single nucleotide

Respectfully submitted

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